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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/848,402	05/04/2001	Bogdan Serban	33918R008	9004

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EXAMINER

EASTHOM, KARL D

ART UNIT	PAPER NUMBER
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2832

DATE MAILED: 08/09/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/848,402

Applicant(s)

Serban

Examiner

Karl Easthom

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on Jul 1, 2002

2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) 15-30 is/are pending in the application.

4a) Of the above, claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) 15-30 is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on 7/1/02 is/are a) ☒ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☒ All b) ☐ Some* c) ☐ None of:

1. ☒ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. _____.

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

4) ☐ Interview Summary (PTO-413) Paper No(s). _____

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

5) ☐ Notice of Informal Patent Application (PTO-152)

3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____

6) ☐ Other: _____

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1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

~~(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.~~

2. Claims 15-25, and 30 are rejected under 35 U.S.C. 102(b) as being anticipated by Fukui et al. Fukui et al. discloses the claimed invention at Fig. 41 or 42 or 43 with semiconductive stretch sensitive sheet 72' (see col. 24, line 26) or semiconducting sheets 73' on top of electrodes 75, 76', 77'. (At col. 7, lines 1-15, the semiconducting sheets 73' are insulating fabrics having the semiconductive portion coated thereon so that the insulating fabric is the fabric portion of 73' - and the semiconductive portion is either of 72' or the coated portion of 73'). Col. 24, lines 15-27 disclose adhering cloth to the insulating sheet 79. Col. 21, lines 50-67 disclose use as a worker detector, which would constitute a passenger detector, or the device has all the claimed elements of the claimed passenger detector, so that it meets the claim.. Or at Fig. 43, the cloth 81 is stitched to the cloth 78 with electrodes "on top", where same is a relative term. The portion 76' of the electrode 74', 75' and 76' is in intimate contact with fabric 72' or 73'. Each are on top of electrode structures - the portion below 79, or one can flip the device over. In claims 19-20, the support is woven or unwoven fabric at col. 24, lines 19-26. In claims 21-22, the coating or plating at cols. 6-7 meets the claims. In claim 25, Fig. 40 discloses a covering or protective layer.. In claims 18, 24 and 30, there are two electrodes and the semiconductive material is at different places on the two electrodes, and the zones are contiguous. In claim 23, the elastomer

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is disclosed at col. 13, lines 25-40. In claim 17, the elastomer binder with conductive particle is an ink, as understood in the art.

3. Claims 15, 18, 24 and 30 are rejected under 35 U.S.C. 102(b) as being anticipated by

~~Kikuo et al. Kikuo discloses the claimed invention at Fig. 21 with semiconductive material 3,~~

electrodes Eo on flexible support b or the seat at Fig. 22, and with the different zones as depicted at Fig. 20. The electrodes Eo are arranged on the fabric, such as the seat, and the semiconductive material is arranged in zones on same.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 26-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fukui in view of Reinhold et al. (DE 42374702). Reinhold discloses a vehicle's seat sensor for detecting a person on a seat. It would have been obvious to employ the sensor of Fukui in a vehicle where Reinhold teaches use of such a sensor therefor and Fukui discloses use of the detector to detect the presence of persons in other settings.. In claims 27-29, the sensor of Reinhold is all over the seat, including a portion where the head would rest..

6. Claims 15, 19-20 and 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kirby in view of Fukui et al. Kirby discloses the claimed invention except the fabric. Fukui discloses stretch sensitive inks, similar to the inks of Kirby, at col. 13, lines 24-45, but employed

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on a fabric at col. 5 in order to detect minute changes. It would have been obvious to employ the ink of Kirby on a fabric in order to detect minute changes.

7. Applicant's arguments filed 7/01/02 have been fully considered but they are not persuasive

~~As to Fukui, Applicant argues that the insulating support 79 is not a fabric. However, this is not~~

germane where at col. 7, lines 1-15, the semiconducting sheets 73' are insulating fabrics having the semiconductive portion coated thereon. Or at Fig. 43, the cloth 81 is stitched to the cloth 78 with electrodes "on top", where same is a relative term. As to there being no intimate contact with the electrode portions, this is not correct, because the portion 76' (on the sides) of the electrode 74', 75' and 76' is in intimate contact with fabric 72' which has the insulating portion and conductive portion, as noted from col. 7. Note also that the insulation breakdown portion 72' is itself the semiconductive portion, since it has same. It is on top of electrode structures - the portion below 79. The device has all the claimed elements, so that it is a passenger detector. In Kikuo, applicant argues that the semiconductive layer is not on top of electrodes Eo and Ep. However, the layer 3, which is divided into zones, is on top of Ep, thus meeting the claims.

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karl Easthom whose telephone number is (703)308-3306. The examiner can normally be reached on M-Th. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Elvin Enad, can be reached on (703)308-7619. The fax phone number for the organization where this application or proceeding is assigned is (703)308-7722. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karl Easthom whose telephone number is (703) 308-3306.


KARL D. EASTHOM
PRIMARY EXAMINER